

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	No. 20-001796
)	
Piotr Palider,)	Chapter 7
)	
Debtor.)	Honorable Timothy A. Barnes
)	
)	Hearing Date: December 7, 2020
)	Hearing Time: 1:30 p.m.
)	

NOTICE OF MOTION

TO: See attached Certificate of Service

PLEASE TAKE NOTICE that on December 7, 2020 at 1:30 p.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Timothy A. Barnes, and shall then present the attached **MOTION FOR LEAVE TO CONDUCT A RULE 2004 EXAMINATION**, a copy of which is attached hereto and hereby served upon you.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID. Meeting ID and password.

Meeting ID and Password. The meeting ID for this hearing is 161 329 5276 – Password 433658. The meeting ID and further information can also be found on Judge Barnes’ web page on the court’s web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: December 1, 2020

**MICHAEL K. DESMOND, not individually but
solely in his capacity as Chapter 7 Trustee for
the Estate of PIOTR PALIDER,**

By: /s/ Michael K. Desmond
Chapter 7 Trustee

Michael K. Desmond (#6208809)
Justin M. Herzog (#6324047)
FIGLIULO & SILVERMAN, P.C.
10 S. LaSalle Street, Suite 3600
Chicago, Illinois 60603
(312) 251-4600

CERTIFICATE OF SERVICE

I, Michael K. Desmond, state that on December 1, 2020, I caused a true and correct copy of the foregoing Notice and Motion to be mailed to the recipients indicated below, proper postage prepaid, from 10 South LaSalle Street, Suite 3600, Chicago, IL 60603, or to be served electronically through the Clerk's CM/ECF system, as indicated.

s/ Michael K. Desmond

Mailing Information for Case 20-001796

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Michael K Desmond** mkd.trustee@fslegal.com, IL23@ecfcbis.com
- **Stephen G Wolfe** steve.g.wolfe@usdoj.gov
- **Patrick S Layng** USTPRegion11.ES.ECF@usdoj.gov

Manual Notice List

Piotr Palider
9650 S. Nottingham Ave., Unit 2F
Chicago Ridge, IL 60415
Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Case No.: 20-001796
)	
Piotr Palider)	Chapter 7
)	
Debtor.)	Judge Timothy A. Barnes

**MOTION FOR LEAVE
TO CONDUCT A RULE 2004 EXAMINATION**

Michael K. Desmond, not individually but solely in his capacity as Chapter 7 Trustee (“Trustee”) of the bankruptcy estate of Piotr Palider (“Debtor”), moves this Court for entry of an order granting leave to conduct a Bankruptcy Rule 2004 examination of First Midwest Bank (f/k/a Bridgeview Bank), PNC Bank (“PNC”) and the Debtor as may be necessary to determine the assets, financial condition and business dealings of Debtor and information regarding assets listed on the Debtor’s schedules, specifically the whereabouts of a \$100,000.00 cashier’s check (the “Motion”). In support thereof the Trustee states as follows:

JURISDICTION

1. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. § 1408.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).
3. The statutory predicate for the relief requested in the motion is Fed. R. Bankr. P. 2004.

BACKGROUND

4. On January 21, 2020, Debtor filed a petition for relief under Chapter 11 of the Bankruptcy Code.

5. Subsequently, on June 9, 2020, on the motion of the United States Trustee this case was converted to a case under Chapter 7 of the Bankruptcy Code [*Dkt. No.* 48] and Michael K. Desmond was duly appointed as the Chapter 7 Trustee for Debtor's estate.

6. On his bankruptcy schedules, the Debtor identified certain bank accounts in which he had deposits. These banks include First Midwest Bank and PNC.

7. The Debtor also disclosed on his schedules that he was in possession of a cashier's check in the amount of \$100,000.00.

8. In this Court's order for conversion, the Debtor was ordered to turnover any property in his possession, including the cashier's check, by June 22, 2020. The Debtor has failed to do so, and the whereabouts of the check, or the proceeds are unknown.

9. On September 9, 2020, the United States Trustee filed a motion seeking the entry of an order for a rule to show cause why the Debtor should not be held in contempt. [*Dkt. No.* 70].

10. Additionally, on November 18, 2020 this Court entered an order directing the Debtor to provide the Trustee with copies of bank statements for all bank accounts over which the Debtor had signature authority for the past two years. [*Dkt. No.* 102]. The Debtor failed to provide the documents to the Trustee as ordered by the Court.

BASIS FOR REQUESTED RELIEF

11. Bankruptcy Rule 2004 provides that on motion of any party in interest, the Court may order the examination of any entity relating to "the acts, conduct, or property or to the liabilities and financial condition of the Debtor, or to any matter which may affect the administration of the estate . . ." Fed R. Bankr.P. 2004 (a) and (b).

12. The Trustee needs to take additional discovery in order to investigate the Debtor's assets, including, but not limited to, the whereabouts of the cashier's check or any proceeds therefrom.

13. The scope of the Trustee's investigation includes any deposits or withdraws from Debtor's bank accounts. Accordingly, the Trustee seeks information and documents from First Midwest Bank, PNC, and the Debtor as may be necessary to determine the assets, financial condition and business dealings of Debtor, to determine the Debtor's financial condition.

14. The Trustee has served this motion on six (6) days' notice. In light of the previous orders entered by the Court directing the Debtor to provide documents to the Trustee, which the Debtor failed to do, the Trustee requests that the Court shorten notice for cause shown.

WHEREFORE, Michael K. Desmond, not individually but solely in his capacity as Chapter 7 Trustee of the bankruptcy estate of Piotr Palider, respectfully requests the entry of an order authorizing a Rule 2004 examination of First Midwest Bank, PNC, and the Debtor as may be necessary to determine the assets, financial condition and business dealings of Debtor, and granting such other relief as this Court deems just and proper.

Dated: December 1, 2020

Respectfully Submitted,

**MICHAEL K. DESMOND, not individually but
solely in his capacity as Chapter 7 Trustee for
the bankruptcy estate of PIOTR PALIDER,**

By: /s/ Michael K. Desmond
Chapter 7 Trustee

Michael K. Desmond (#6208809)
Justin M. Herzog (#6324047)
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